

**BOARD OF SUPERVISORS**

**ACTION ITEM**

**# 8**

**SUBJECT:** **Transportation and Land Use Committee Report:  
SPEX 2008-0061 & SPEX 2008-0062, White's Ford Park**

**ELECTION DISTRICT:** **Catoctin**

**CRITICAL ACTION DATE:** **July 31, 2010**

**STAFF CONTACT:** Sophia Fisher, Planning Department  
Julie Pastor, Director

**RECOMMENDATIONS:**

Planning Commission:

At the Planning Commission Worksession on February 18, 2010, the Commission voted to approve CMPT 2008-0020 with the Findings dated February 16, 2010. The Commission also voted to forward SPEX 2008-0061 to the Board of Supervisors with a recommendation of approval subject to the Conditions of Approval dated February 18, 2010, and with the Findings dated February 16, 2010. Both votes were 8-1 (Robinson opposed). SPEX 2008-0062 was not heard or discussed by the Planning Commission as it is a Minor Special Exception and does not require Commission recommendation.

Transportation and Land Use Committee:

At the Transportation and Land Use Committee on June 16, 2010, the Committee voted 3-2 (Burk, York opposed) to adopt the revised Conditions of Approval introduced by Supervisor Kurtz. The Committee also voted 3-2 (Burk, York opposed) to forward the two SPEX applications to the July 7, 2010 Board of Supervisors Business Meeting for action with a recommendation of approval subject to the Conditions of Approval recommended by the Committee.

Staff:

Staff recommends approval of the two SPEX applications subject to phasing consistent with what was originally proposed and the revised Condition 3b regarding transportation improvements on Route 15.

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**BACKGROUND:**

The Northern Virginia Regional Park Authority of Fairfax Station, Virginia submitted applications for a Special Exception and a Minor Special Exception approval to permit boat rentals and incidental structures within the FOD (Floodplain Overlay District - Major Floodplain) and a campground at White's Ford Park. These applications are subject to the Revised 1993 Zoning Ordinance and the proposed boat rental use is listed as a Special Exception use under Section 4-1506 and the proposed campground use is listed as a Minor Special Exception use under Table 2-102 subject to Section 6-646. A Commission Permit application was also submitted and approved by the Planning Commission on February 18, 2010.

The Board of Supervisors held a public hearing on the Special Exception applications on March 8, 2010. Following the applicant's presentation, twenty seven (27) members of the public spoke on the application; twenty-six (26) were opposed to the park in its proposed state and one (1) supported the park. The general issues that were raised by the public include the lack of adequate roads accessing the site, potential shoreline erosion caused by motorboats and hikers, status of historic features on-site, water safety, police patrol and staffing, general environmental degradation, and the need for wildlife protection. Several members of the public who opposed the park stated that they would support a "passive park" with no camping, boat rental, or special events.

At the conclusion of the March 8, 2010 Public Hearing, the Board of Supervisors voted 9-0 to send the applications to the Transportation and Land Use Committee. At the TLUC meeting on April 21, 2010, the members discussed directing the park access to Spinks Ferry Road and reducing the intensity of the camping uses. The discussion concluded by the Committee voting to send the applications to another TLUC meeting for further review. However, the applications were brought to the Board for action on May 4, 2010 because the applicant was not able to grant an extension of the decision deadline for the Commission Permit.

At the May 4, 2010 Business Meeting, Supervisor Kurtz made a motion to ratify CMPT 2008-0020 with the following modifications:

1. The right turn lane on northbound Route 15 to accommodate park visitors should be relocated from Limestone School Road to Spinks Ferry Road.
2. All documentation associated with the Commission Permit should be revised as necessary to be consistent with the Special Exception Conditions, including the right turn lane.
3. The Commission Permit should be ratified as a finding that the general location extent and character of the public park use on the subject property is in substantial accord with the Comprehensive Plan.
4. SPEX 2008-0061 and SPEX 2008-0062 reflect, in the Conditions of Approval, the relocation of the right turn lane from Route 15 onto Spinks Ferry Road.
5. The Memorandum of Understanding be revised to reflect the relocation of the turn lane on Route 15 and the final action on the special exception applications.

The Board voted 9-0 to ratify the Commission Permit as amended by Supervisor Kurtz and that SPEX 2008-0061 and 2008-0062, White's Ford Park, be forwarded to the Transportation and Land Use Committee for further discussion.

At the Transportation and Land Use Committee meeting on June 16, the Committee discussed how the proposed park complies with the VOF easement and what potential impacts the park would have on the Potomac River shoreline. Representatives of the VOF and the National Park Service attended the meeting and answered questions raised by Committee Members. The Committee also discussed the local road network and the timing of the installation of the right turn lane on Route 15, and whether the money for the turn lane can be put toward a future traffic signal at the intersection of Route 15 and Spinks Ferry Road. Staff does not oppose the concept of installing a traffic signal; however, without a traffic study demonstrating the need for a signal at the intersection, staff is not in a position to advise the Board on required improvements to that intersection.

Following the discussion summarized above, Supervisor Kurtz introduced a set of conditions that modifies the proposal in the following ways:

- Reduce the overall number of campsites from 60 to 36
- Modify the phasing to allow 15 campsites, one of the two proposed picnic shelters, and the boat rental facility in Phase I
- Add a condition protecting the wood turtle
- Add a condition that specifies further protection to the riparian buffer
- Add a condition requiring the refurbishment of the Colonel White house
- Require the applicant to perform a study on the site's Civil War archeology

The Committee voted 3-2 (Burk, York opposed) to recommend approval of the applications subject to the amended set of conditions brought forward by Supervisor Kurtz. The conditions recommended by the Committee are found in Attachment 3 and have been further amended to reflect the Committee's direction on the transportation improvements for Route 15.

#### ISSUES:

Staff can support the conditions recommended by the Committee with the following exception and with the revised Condition 3b discussed below:

#### Phasing

The original phasing was designed to put the more active uses (camping, boat rentals, picnic shelters) in Phase II, which would occur after the improvements to Hibler Road are complete. The traffic study shows that the Phase I uses (hiking, wildlife viewing, shore launch of canoes and kayaks, etc.) would generate a maximum of approximately 59 vehicular trips per weekend day. Upon implementation of the amended conditions recommended by the Committee, approximately 124 vehicular trips per weekend day would be generated prior to the Hibler Road improvements. Given the underlying issues with an unimproved Hibler Road, staff remains concerned that a condition that allows up to 124 vehicular trips per weekend day could result in unacceptable road conditions. Staff recommends that the Board consider a new condition limiting trips to 59 vehicular trips per weekend day, or some alternative total number of trips that is reasonably close to the staff-recommended total and is consistent with safe travel on an unimproved Hibler Road.

#### Turn Lane

Staff notes that, when asked by the Committee at the June 16 Transportation and Land Use Committee meeting, the Virginia Department of Transportation (VDOT) representative indicated that VDOT will not require the construction of the right-turn lane at the intersection of Route 15 and Spinks Ferry Road. Given this, and the desire of the Committee to explore the possibility of installing a traffic signal at the intersection of Route 15 and Spinks Ferry Road and alternatively escrowing funds for future improvements, staff recommends a new condition (#3b) that requires the applicant to submit appropriate intersection analyses (as determined by VDOT), to include a signal warrant analysis, to VDOT prior to the opening of the park. Should the signal be warranted, the Applicant shall, in lieu of construction of the turn lane, contribute an amount of cash equal to the estimated cost to construct the turn lane (as verified by a third party cost estimate) towards the cost to construct the traffic signal. Should the traffic signal not be warranted, the applicant shall contribute an amount of cash equal to the estimated cost to construct the

turn lane towards some other Route 15 related transportation improvement, including but not limited to a roundabout, subject to VDOT approval.

**ALTERNATIVES:**

The Board may approve or deny the Special Exception applications, or send them to another Board of Supervisors meeting for further discussion.

**DRAFT MOTION(S):**

1. I move that the Board of Supervisors approve SPEX 2008-0061 and SPEX 2008-0062, White's Ford Park subject to the Transportation and Land Use Committee recommended Conditions of Approval dated June 16, 2010 and with the attached Findings.

OR

2. I move that the Board of Supervisors forward SPEX 2008-0061 and SPEX 2008-0062, White's Ford Park, to a Transportation and Land Use Committee meeting for further discussion.

OR

3. I move an alternate motion.

**ATTACHMENTS:**

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| 1. Vicinity Map  | A-1 |
| 2. Findings dated March 8, 2010                                | A-3 |
| 3. TLUC recommended Conditions of Approval dated June 16, 2010 | A-5 |

## VICINITY MAP



**Directions:** From Leesburg: Route 15 north to Limestone School Road. Turn right onto Limestone School Road and travel approximately two miles and turn right onto Hibler Road. Travel approximately 1.5 miles and the site will be on the north and south sides of Hibler Road.

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## **FINDINGS (March 8, 2010)**

### **Special Exception 2008-0061 (Boat Launch and Ramp in Floodplain)**

1. The proposal for a regional park is consistent with the policy guidance of the Revised General Plan (Rural Policy Area), which supports the designated area as rural economy uses and limited residential development at a density of 1 dwelling unit per 20 acres.
2. The proposal for boat rental facility with incidental structures is consistent with the policy guidance of the Revised General Plan that recognizes “Open Space Assets” such as regional and county parks as important man-made open space assets of the Green Infrastructure that not only serve their passive and active recreational purposes, but also provide a link between communities and other Green Infrastructure elements.
3. The conditioned proposal is consistent with the policies of the Revised Countywide Transportation Plan.
4. The proposed use is consistent with the applicable requirements of the Revised 1993 Zoning Ordinance.
5. The Conditions of Approval, particularly those regarding transportation improvements and environmental sensitivity mitigate the impacts of the proposed use on surrounding properties and will help ensure compatibility with the other uses in the vicinity.

### **Special Exception 2008-0062 (Camping)**

1. The proposal for a campground is consistent with the Rural Economic Policies of the Revised General Plan.
2. The conditioned proposal is consistent with the policies of the Revised Countywide Transportation Plan.
3. The proposed campground use is consistent with the applicable requirements of the Revised 1993 Zoning Ordinance.
4. The Conditions of Approval, particularly those regarding transportation improvements and environmental sensitivity mitigate the impacts of the proposed use on surrounding properties and will help ensure compatibility with the other uses in the vicinity.

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## TLUC RECOMMENDED CONDITIONS OF APPROVAL

**SPEX 2008-0061:** Boat launch ramp and rental facility in the floodplain

**June 16, 2010**

*TLUC changes are highlighted in yellow; staff recommended changes are in red underline.*

1. Special Exception Plat. The proposed Special Exception Uses, boat launch ramp, rental facility and incidental structures, shall be developed in substantial conformance with the Special Exception Plat ("White's Ford Park Special Exception Plat SPEX 2008-0061 SPEX 2008-0062"), Sheets 1, 4 and 5, prepared by Christopher Consultants, dated November 26, 2008, as revised through September 28, 2009, (the "Plat"), and the Revised 1993 Loudoun County Zoning Ordinance. Approval of this application for Tax Map #: /31/////////5/ (PIN# 077-36-5320) (the "Property") shall not relieve the Applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
  2. Uses Permitted (SPEX 2008-0061). Approval of this Special Exception application grants approval for a boat launch ramp and boat rental facility with incidental structures in a regional park, as defined by the Revised 1993 Loudoun County Zoning Ordinance, within the Floodplain Overlay District (FOD) zoning district, on the subject property as depicted on the Plat.
    - a. Use of the boat launch ramp shall be restricted to non-motorized vessels.
    - b. Jet skis shall be prohibited.
    - c. The boat rental facility shall rent only non-motorized boats.
- 2A. Phased Development. The public park use shall be developed in two phases, Phase I and Phase II:
- (i) Phase I shall include such uses as hiking and wildlife viewing; shore launching of canoes and kayaks from a sand or gravel launch area; a portable rental facility for non-motorized boats; one picnic shelter; up to fifteen (15) campsites, five (5) of which may be cabins with a maximum 75 seventy-five campers allowed on any one night; and tenant occupancy of the existing house; and
  - (ii) Phase II shall include additional uses, specifically: a poured concrete boat ramp; one picnic shelter (for a total of two (2)); an additional twenty-one (21) tent campsites (for a total of thirty-six (36) campsites, five (5) total of which may be cabins; a group camping area, developed in the general camp site area, not in the major floodplain; horse trailer parking; and special group camping events limited to 20 events per year with no more than 50 people and 5 events per year with no more than 100 people.
- a. If the applicant anticipates 50 or more cars for any of the 5 (five) permitted special events, the applicant agrees that a staff member will be on site for the duration of the event.
  - b. The applicant shall not provide any rental storage for boats, RV's, or trailers.

3. Transportation.

- a. Hibler Road Improvements. Phase I uses which allow birders, hikers, boaters who launch from the shore and rental of boats, rental house tenant, up to fifteen (15) campsites, five (5) of which may be cabins, one (1) picnic shelter and general visitors will be accompanied by an area adequate for vehicles, including recreational, to turn around on Park property at the main entrance to the Park.

The applicant will describe on its website and in giving directions to the Park, the two gravel roads (Hibler Rd. and Limestone Rd.) advising of shared road use with agricultural machinery and a low driving speed. The applicant will also conduct a traffic study and application to VDOT requesting Hibler Road be reduced to a posted 25 mile per hour speed limit.

Phase II , subject to VDOT approval and prior to the development of any use included in Phase II, the applicant shall improve Hibler Road from Limestone School Road to the main Park entrance using VDOT's Rural Rustic Road Standards with the width of the road to be 18 feet, the surface gravel, and with all work to be completed within existing VDOT right of way and prescriptive easement offsite of the Property, and shall improve the vertical sight distance on Hibler Road near the Limestone School Road intersection, including the hill .4 mile (4/10 mile) from the intersection based on a 35-mph operating speed by either lowering the grade and/or increasing the road width in this area.

The applicant shall not open Phase 2 uses to the public until the Hibler Road improvements are constructed and open to traffic. Where the applicant owns property on both sides of Hibler Road it shall grant 50 feet of right-of- way centered on the existing centerline of the travelway along Hibler from the western property boundary to the main park entrance. Where the applicant owns property only on one side of the roadway it will grant 25 feet of right-of-way from said center-line. If any of the improvements described herein have been completed by others prior to Phase II, NVRPA will be relieved of those road improvement responsibilities.

- b. Route 15 Improvements.

The applicant shall complete a traffic study for the Route 15/Spinks Ferry Road intersection and shall include in the study the projected future traffic for the park and other planned development in the area. The traffic study shall be submitted by the applicant to VDOT with a request that VDOT determine whether a traffic signal is warranted at the intersection. The applicant shall also complete a cost estimate to determine the cost to construct a right turn lane on northbound Route 15 at the Spinks Ferry Road intersection and shall have the estimate verified by a third party. The applicant shall make a cash contribution to Loudoun County equal to the estimated turn lane cost, which the County may use in its sole discretion to construct the traffic signal, if warranted, or make other improvements at the Route 15 and Spinks Ferry Road intersection (or in its vicinity) if the signal is not warranted, such as a roundabout, if appropriate. The applicant may open Phase I of the park to the public when the traffic study and traffic signal determination request have been submitted to VDOT and when the cash contribution has been paid to the County.



~~Subject to VDOT approval and prior to the opening of the park, construct a northbound right turn lane from Route 15 onto Spink's Ferry Road. If this turn lane has been constructed by others prior to Phase I opening, NVRPA shall be relieved of such construction obligation. If additional right of way is needed to construct the turn lane, and the Applicant is unable to acquire the necessary right of way or easements at fair market value, then the Applicant shall request the Board of Supervisors initiate condemnation proceedings to acquire the necessary land and/or easements. If the Board of Supervisors chooses not to initiate condemnations proceedings, the Applicant shall be relieved of the obligation to construct a northbound right turn lane from Route 15 to Spink's Ferry Road.~~

~~Notwithstanding the foregoing, if VDOT approves a round a bout at the intersection of Route 15 and Spink's Ferry Road prior to the installation of the turn lane, NVRPA shall, in lieu of construction of the turn lane, contribute an amount of cash equal to the then-estimated cost to construct the turn lane (as verified by a third party cost estimate) to Loudoun County at the time VDOT or a third party commences construction of the round a bout, to be applied to the construction of said round a bout.~~

~~Should the permitting or construction of the turn lane be delayed at the request of VDOT or Loudoun County in order to consider traffic alternatives, including but not limited to round a bouts, NVRPA shall be allowed to develop and open the park including the uses permitted by SPEX 2008-0061, subject to the conditions of paragraph 3a. above, prior to the construction of said turn lane. Notwithstanding the foregoing, NVRPA shall diligently pursue construction and completion of the turn lane as soon as possible after VDOT permitting is issued and the County requests in writing such construction to commence. Furthermore, in the event VDOT approves the construction of a round a bout, NVRPA shall be permitted to open Phase I of the park no sooner than 6 months following such written decision by VDOT, independent of whether the round a bout has been completed.~~

- c. Internal Travelways and Parking. The Applicant shall utilize a pervious surface, such as gravel, where possible for all non-ADA vehicular travelways and parking areas internal to the site. If a gravel surface is to be used, stormwater management techniques and best management practices shall be employed to reduce the peak rate of runoff and reduce the volume of pollutants created by proposed impervious surfaces. Proposed facilities may include infiltration swales, bioretention basins with underdrains, or other low impact development techniques, which will treat and contain the first inch of storm runoff from proposed impervious surfaces.
- d. Boat Trailers. Motorized boats shall be prohibited from utilizing the boat launch ramp at White's Ford Park and users of the Park shall be prohibited from using trailers to bring boats to the Property. Notwithstanding the foregoing, NVRPA may trailer non-motorized boats to and from the Park.
- e. Spinks Ferry Road. Subject to VDOT approval and prior to the opening of the park, the Applicant shall install signs directing park visitors to enter and exit via Spinks Ferry Road.

- 4. Lighting. Lighting on the subject property shall be designed and constructed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment. Any lighting installed as part of the boat launch ramp or boat rental

facility shall be adjacent to the use or attached to a related building and shall have fixtures that are full cutoff and fully shielded.

5. Noise. General park operations (uses other than camping) shall be limited to daylight hours.
6. Signage. The Applicant shall install signage in appropriate locations along the Property's boundary to alert patrons as to the limits of the Park, prior to first Site Plan approval.
7. Jurisdictional Waters. To minimize impacts to jurisdictional waters, all trail stream crossings shall be constructed as raised wooden boardwalks and/or footbridges, except for equestrian and vehicular crossings, subject to approval by the Virginia Outdoors Foundation.
8. Fire & Rescue. The Applicant shall provide Fire & Rescue details regarding the internal roadway network at the time of site plan review.
9. Friends Group. The Applicant shall invite Park patrons and neighbors to join a Friends Group that will meet regularly (at least twice a year) to discuss general park operations.
10. Restroom Facilities. The Applicant shall install low flow toilets and waterless urinals in all constructed restrooms on-site. This condition shall not apply to the Colonel White House.
11. Trashcan. The Applicant shall install a trash receptacle proximate to the boat launch ramp.
12. Riparian Buffer. The Virginia Outdoors Foundation easement establishes a 100-foot riparian buffer along the Potomac. The Applicant shall apply those same limitations to an additional 100 feet of land to create a 200-foot riparian buffer, provided that trails, the boat launch ramp, access road, and temporary facilities are all permitted within the expanded buffer.

The applicant shall comply with the by-right provisions of the Floodplain Overlay District (FOD), Section 4-1500 of the Revised 1993 Zoning Ordinance regarding structures.

Additionally the applicant shall protect the riparian buffer by:

- a. Post signage educating the public about the fragile bank areas and functions of a riparian buffer.
- b. Post signage notifying public of restriction from fishing at 750 feet from the northern property line and 200 feet from southern property line.
- c. The applicant shall limit access to the water line to no more than two clearly signed stabilized pervious trails.
- d. The applicant shall supplement the May 11, 2009 species survey by Dr. Steven Roble of VA DCR by obtaining a species survey for the Eastern Wood Turtle, *Clemmys insculpta*, taking measures to protect its habitat.

13. Energy Efficiency – As part of the submission for Zoning Permit, the Applicant shall provide a details sheet demonstrating that all possible appliances, lighting and thermostats have received an "Energy Star" label, as provided by the U.S. Department of Energy and U.S. Environmental Protection Agency's joint program referred to as the Energy Star program. This condition shall not apply to the Colonel White House.



14. Historic and Archaeological Resources. The Applicant shall maintain a sign or gate at the existing driveway entrance leading to the Colonel White House to discourage general park traffic from using that driveway.

The applicant shall conduct an archeological study focused on Civil War significance.

The applicant agrees to refurbish the Colonel White House and provide interpretation about the site's Civil War significance.

Prior to impacting any area to depths greater than those specified in the Phase I archeological study as containing a high level of artifacts, having archeological probability or being recommended for avoidance, the applicant shall initiate a Phase II study for the area being impacted.

NOTE: The Applicant has agreed to provide a one-time fire and rescue contribution to the County in the amount of \$0.10 per square foot of non-residential floor area construction for equal distribution between the primary servicing fire and rescue companies. This contribution shall be made at the time of issuance of the first zoning permit for the boat rental facility and incidental structure use. The contribution shall escalate annually on January 1 of each year following County approval of the Special Exception Applications, in accordance with the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), base year of 1988, as published by the Bureau of Labor Statistics, U.S. Department of Labor.

## **TLUC RECOMMENDED CONDITIONS OF APPROVAL**

**SPEX 2008-0062: Camping**

**June 16, 2010**

*TLUC changes are highlighted in yellow; staff recommended changes are in red underline.*

1. Special Exception Plat. The proposed Special Exception Use, campground, shall be developed in substantial conformance with the Special Exception Plat ("White's Ford Park Special Exception Plat SPEX 2008-0061 SPEX 2008-0062"), Sheets 1, 3 and 5, prepared by Christopher Consultants, dated November 26, 2008, as revised through September 28, 2009, (the "Plat"), and the Revised 1993 Loudoun County Zoning Ordinance. Approval of this application for Tax Map #: /31/////////5/ (PIN# 077-36-5320) (the "Property") shall not relieve the Applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. Uses Permitted (SPEX 2008-0062). Approval of this Special Exception application grants approval for an individual/family campground with up to thirty six (36) campsites, of which up to five (5) may be cabins. In addition, up to twenty (20) group camping events each with an attendance of up to fifty (50) people and five (5) group camping events each with an attendance of up to one hundred (100) people shall be permitted per calendar year.
  - a. Campsite rentals shall be limited to no more than 14 consecutive nights by the same user.

- b. An employee of the Northern Virginia Regional Park Authority shall be on-site from dusk until dawn when the campground is occupied.

2A. Phased Development. The public park use shall be developed in two phases, Phase I and Phase II:

- (i) Phase 1 shall include such uses as hiking and wildlife viewing; shore launching of canoes and kayaks from a sand or gravel launch area; a portable rental facility for non-motorized boats; one picnic shelter; up to fifteen (15) campsites, five (5) of which may be cabins with a maximum 75 seventy-five campers allowed on any one night; and tenant occupancy of the existing house; and
- (ii) Phase II shall include additional uses, specifically: a poured concrete boat ramp; one picnic shelter (for a total of two (2)); an additional twenty-one (21) tent campsites (for a total of thirty-six (36) campsites, five (5) total of which may be cabins; a group camping area, developed in the general camp site area, not in the major floodplain; horse trailer parking; and special group camping events limited to 20 events per year with no more than 50 people and 5 events per year with no more than 100 people.
  - a. If the applicant anticipates 50 or more cars for any of the 5 (five) permitted special events, the applicant agrees that a staff member will be on site for the duration of the event.
  - b. The applicant shall not provide any rental storage for boats, RV's, or trailers.
  - c. The group camping area shall be located outside of the major floodplain.

3. Transportation.

- a. Hibler Road Improvements. Phase I uses which allow birders, hikers, boaters who launch from the shore and rental of boats, rental house tenant, up to fifteen (15) campsites, five (5) of which may be cabins, one (1) picnic shelter and general visitors will be accompanied by an area adequate for vehicles, including recreational, to turn around on Park property at the main entrance to the Park.

The applicant will describe on its website and in giving directions to the Park, the two gravel roads (Hibler Rd. and Limestone Rd.) advising of shared road use with agricultural machinery and a low driving speed. The applicant will also conduct a traffic study and application to VDOT requesting Hibler Road be reduced to a posted 25 mile per hour speed limit.



Phase II, subject to VDOT approval and prior to the development of any use included in Phase II, the applicant shall improve Hibler Road from Limestone School Road to the main Park entrance using VDOT's Rural Rustic Road Standards with the width of the road to be 18 feet, the surface gravel, and with all work to be completed within existing VDOT right of way and prescriptive easement offsite of the Property, and shall improve the vertical sight distance on Hibler Road near the Limestone School Road intersection, including the hill .4 mile (4/10 mile) from the intersection based on a 35-mph operating speed by either lowering the grade and/or increasing the road width in this area.

The applicant shall not open Phase 2 uses to the public until the Hibler Road improvements are constructed and open to traffic. Where the applicant owns property on both sides of Hibler Road it shall grant 50 feet of right-of-way centered on the existing centerline of the travelway along Hibler from the western property boundary to the main park entrance. Where the applicant owns property only on one side of the roadway it will grant 25 feet of right-of-way from said center-line. If any of the improvements described herein have been completed by others prior to Phase II, NVRPA will be relieved of those road improvement responsibilities.

b. Route 15 Improvements.

The applicant shall complete a traffic study for the Route 15/Spinks Ferry Road intersection and shall include in the study the projected future traffic for the park and other planned development in the area. The traffic study shall be submitted by the applicant to VDOT with a request that VDOT determine whether a traffic signal is warranted at the intersection. The applicant shall also complete a cost estimate to determine the cost to construct a right turn lane on northbound Route 15 at the Spinks Ferry Road intersection and shall have the estimate verified by a third party. The applicant shall make a cash contribution to Loudoun County equal to the estimated turn lane cost, which the County may use in its sole discretion to construct the traffic signal, if warranted, or make other improvements at the Route 15 and Spinks Ferry Road intersection (or in its vicinity) if the signal is not warranted, such as a roundabout, if appropriate. The applicant may open Phase I of the park to the public when the traffic study and traffic signal determination request have been submitted to VDOT and when the cash contribution has been paid to the County.

~~Subject to VDOT approval and prior to the opening of the park, construct a northbound right turn lane from Route 15 onto Spink's Ferry Road. If this turn lane has been constructed by others prior to Phase I opening, NVRPA shall be relieved of such construction obligation. If additional right of way is needed to construct the turn lane, and the Applicant is unable to acquire the necessary right of way or easements at fair market value, then the Applicant shall request the Board of Supervisors initiate condemnation proceedings to acquire the necessary land and/or easements. If the Board of Supervisors chooses not to initiate condemnations proceedings, the Applicant shall be relieved of the obligation to construct a northbound right turn lane from Route 15 to Spink's Ferry Road.~~

~~Notwithstanding the foregoing, if VDOT approves a round-a-bout at the intersection of Route 15 and Spink's Ferry Road prior to the installation of the turn lane, NVRPA shall, in lieu of construction of the turn lane, contribute an amount of cash equal to the then-estimated cost to construct the turn lane (as verified by a third party cost estimate) to~~

Loudoun County at the time VDOT or a third party commences construction of the round-a-bout, to be applied to the construction of said round-a-bout.

Should the permitting or construction of the turn lane be delayed at the request of VDOT or Loudoun County in order to consider traffic alternatives, including but not limited to round-a-bouts, NVRPA shall be allowed to develop and open the park including the uses permitted by SPEX 2008-0061, subject to the conditions of paragraph 3a. above, prior to the construction of said turn lane. Notwithstanding the foregoing, NVRPA shall diligently pursue construction and completion of the turn lane as soon as possible after VDOT permitting is issued and the County requests in writing such construction to commence. Furthermore, in the event VDOT approves the construction of a round-a-bout, NVRPA shall be permitted to open Phase I of the park no sooner than 6 months following such written decision by VDOT, independent of whether the round-a-bout has been completed.

- c. Internal Travelways and Parking. The Applicant shall utilize a pervious surface, such as gravel, where possible for all non-ADA vehicular travelways and parking areas internal to the site. If a gravel surface is to be used, stormwater management techniques and best management practices shall be employed to reduce the peak rate of runoff and reduce the volume of pollutants created by proposed impervious surfaces. Proposed facilities may include infiltration swales, bioretention basins with underdrains, or other low impact development techniques, which will treat and contain the first inch of storm runoff from proposed impervious surfaces.
  - d. Boat Trailers. Motorized boats shall be prohibited from utilizing the boat launch ramp at White's Ford Park and users of the Park shall be prohibited from using trailers to bring boats to the Property. Notwithstanding the foregoing, NVRPA may trailer non-motorized boats to and from the Park.
  - e. Spinks Ferry Road. Subject to VDOT approval and prior to the opening of the park, the Applicant shall install signs directing park visitors to enter and exit via Spinks Ferry Road.
4. Lighting. Lighting on the subject property shall be designed and constructed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment. Any lighting installed as part of the campground shall be adjacent to the use or attached to a related building and shall have fixtures that are full cutoff and fully shielded.
  5. Noise. General park operations (uses other than camping) shall be limited to daylight hours.
  6. Signage. The Applicant shall install signage in appropriate locations along the Property's boundary to alert patrons as to the limits of the Park, prior to first Site Plan approval.
  7. Jurisdictional Waters. To minimize impacts to jurisdictional waters, all trail stream crossings shall be constructed as raised wooden boardwalks and/or footbridges, except for equestrian and vehicular crossings, subject to approval by the Virginia Outdoors Foundation.
  8. Fire & Rescue. The Applicant shall provide Fire & Rescue details regarding the internal roadway network at the time of site plan review.



9. Friends Group. The Applicant shall invite Park patrons and neighbors to join a Friends Group that will meet regularly (at least twice a year) to discuss general park operations.
10. Restroom Facilities. The Applicant shall install low flow toilets and waterless urinals in all constructed restrooms on-site. This condition shall not apply to the Colonel White House.
11. Riparian Buffer. The Virginia Outdoors Foundation easement establishes a 100-foot riparian buffer along the Potomac. The Applicant shall apply those same limitations to an additional 100 feet of land to create a 200-foot riparian buffer, provided that trails, the boat launch ramp, access road, and temporary facilities are all permitted within the expanded buffer.

The applicant shall comply with the by-right provisions of the Floodplain Overlay District (FOD), Section 4-1500 of the Revised 1993 Zoning Ordinance regarding structures.

Additionally the applicant shall protect the riparian buffer by:

- a. Post signage educating the public about the fragile bank areas and functions of a riparian buffer.
  - b. Post signage notifying public of restriction from fishing at 750 feet from the northern property line and 200 feet from southern property line.
  - c. The applicant shall limit access to the water line to no more than two clearly signed stabilized pervious trails.
  - d. The applicant shall supplement the May 11, 2009 species survey by Dr. Steven Roble of VA DCR by obtaining a species survey for the Eastern Wood Turtle, *Clemmys insculpta*, taking measures to protect its habitat.
12. Energy Efficiency – As part of the submission for Zoning Permit, the Applicant shall provide a details sheet demonstrating that all possible appliances, lighting and thermostats have received an "Energy Star" label, as provided by the U.S. Department of Energy and U.S. Environmental Protection Agency's joint program referred to as the Energy Star program. This condition shall not apply to the Colonel White House.
  13. Historic and Archaeological Resources. The Applicant shall maintain a sign or gate at the existing driveway entrance leading to the Colonel White House to discourage general park traffic from using that driveway.

The applicant shall conduct an archeological study focused on Civil War significance.

The applicant agrees to refurbish the Colonel White House and provide interpretation about the site's Civil War significance.

Prior to impacting any area to depths greater than those specified in the Phase I archeological study as containing a high level of artifacts, having archeological probability or being recommended for avoidance, the applicant shall initiate a Phase II study for the area being impacted.

NOTE: The Applicant has agreed to provide a one-time fire and rescue contribution to the County in the amount of \$0.10 per square foot of non-residential floor area construction for equal distribution between the primary servicing fire and rescue companies. This contribution shall be made at the time of issuance of the first zoning permit for the campground. The contribution shall escalate annually on January 1 of each year following County approval of the Special Exception Applications, in accordance with the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), base year of 1988, as published by the Bureau of Labor Statistics, U.S. Department of Labor.